

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BY ELECTRONIC MEANS (GOTO MEETING)**

January 19, 2021  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Julie Asmus, Michael O'Brien, Thomas Butterfield, Justin Ask, Vicki Davis, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Brian Gramentz, Police Chief Jim Felt, Public Works Director Sean Christensen, Finance Director Steve Okins, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, and City Attorney Robert Scott.

Additions to the agenda were: Council Member Butterfield asked that an update on whether the Mayor and City Administrator should have voting rights on Invest in Willmar Board be added to the agenda.

Council Member Fagerlie moved to approve the agenda, as amended. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of January 11, 2021
- B. Willmar Municipal Utilities Commission Minutes of January 11, 2021
- C. Reappointment of Abdirahin Hussein to Park and Recreation Board
- ~~D. Invest in Willmar Board Minutes of December 9, 2020~~
- E. Appointments to the Boards/Commissions
  - Municipal Utilities Commission – Kerry Johnson
  - Planning Commission – Justice Walker
  - Park and Recreation Board – Alissa Norsten

Council Member Plowman offered a motion to approve the Consent Agenda. Council Member Asmus asked that Item D. be removed for discussion. Council Member Davis seconded the motion to approve the consent agenda, with the removal of Item D., which carried, on a roll call vote of Ayes 8, Noes 0.

Council Member Asmus stated in reviewing the committee/liaison appointments, she noted some Council members were on more committees than others, and wondered if some changes might be needed. It was brought to her attention that this was not a part of the minutes under Item D. Mayor Calvin asked that this discussion be listed as an agenda item for the next Council meeting.

Following discussion, Council Member Asmus offered a motion to approve Item D. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

At 7:11 p.m. Mayor Calvin opened the public hearing for the 2021 Street and Other Improvements. Public Works Director Christensen gave a brief overview of the 2021 Improvements.

The following individuals addressed the Mayor and Council during the public hearing regarding the proposed improvements on 2nd Street Southeast: Dawn Fisch – 709 2<sup>nd</sup> Street Southeast; and Mark Muldrow – 723 2<sup>nd</sup> Street Southeast, Willmar, addressed the Mayor and Council seeking informational items, and thanked the City for including their street in the proposed projects for 2021.

Linda Mathiason – 3313 Eagle Ridge Drive East, Willmar, also addressed the Mayor and Council regarding the proposed improvements along Eagle Ridge Drive East offering her support for the project, and thanked the City for including her street in the proposed projects for 2021.

There being no one to speak for or against said improvements, Mayor Calvin closed the public hearing at 7:36 p.m. and opened it up for discussion by the Council.

Following discussion, Council Member Plowman introduced **Resolution No. 2021-009 Ordering the 2021 Street and Other Improvements and Directing Staff to Prepare Final Plans and Specifications.** Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2021-010 Approving Final Plans and Specifications and Authorizing Publication of the Advertisement for Bids for the 2021 Improvement Projects** was introduced by Council Member Plowman. Council Member Ask seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Bakertilly representative Doug Green informed the Council that competitive bids were received earlier today for the sale of General Obligation Sales Tax Bonds, Series 2021A. Mr. Green noted that the original amount requested was for \$5,000,000 but the amount was reduced to \$4,495,000 due to premium paid by bond buyers.

Following discussion, Council Member Fagerlie offered a motion to approve the sale of General Obligation Sales Tax Bonds of \$4,495,000 to the apparent low bidder of Robert W. Baird & Co., Incorporated at an interest rate of one percent (1%), and introduced **Resolution No. 2021-011 Awarding the Issuance and Sale of \$4,495,000 General Obligation Sales Tax Revenue Bonds, Series 2021A Fixing Their Form and Specifications; Directing Their Execution and Delivery; and Providing for Their Payment.** Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Human Resource Director Samantha Beckman presented a request to set the Labor Relations Committee meeting date and time. Following discussion, Council Member Davis offered a motion to set the Labor Relations Committee meeting date for the second and fourth Tuesdays of each month, with the meetings starting at 5:45 p.m., and introduced **Resolution No. 2021-012 Establishing Meeting Date and Time for Labor Relations Committee.** Council Member Butterfield seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Rachel Skretvedt, member of the Robbins Island Invest in Willmar subcommittee, requested Council's approval to amend an agreement with Bolton and Menk for Robbins Island Improvements to include the construction of park shelters and lighting improvements and authorize the Engineer to prepare plans.

Following discussion, Council Member Asmus offered a motion to approve the subcommittee's request, and introduced **Resolution No. 2021-013 Approving the Amendment of the Agreement with Bolton and Menk for the Robbins Island Improvements to Include Construction of Park Shelters and Lighting Improvements.** Council Member Davis seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Kandiyohi County Housing and Redevelopment Authority Director Jill Bengtson informed the Council that the City had been awarded \$1,205,177 in 2018 Small Cities Development Program (SCDP) funds for downtown commercial rehab, northside owner-occupied rehab, and Hanson Apartments rehab, and a condition of the funding is to receive public input on the status of the activities funded. Ms. Bengtson was requesting Council set a public hearing for February 1, 2021.

Following discussion, Council Member Fagerlie offered a motion to set a public hearing to receive information and public comment on the 2018 Small Cities Development Program for 7:01 p.m. on February 1, 2021. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Ms. Bengtson also informed the Council because the City has been awarded these dollars through a Federal HUD Community Development Block Grant through the Minnesota Department of Employment and Economic Development (DEED) 2019 SCDP, there are a number of policies the City is required to adopt to comply with regulations governing this funding.

**Resolution No. 2021-014 Adopting Fair Housing Plan** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2021-015 Adopting Displacement Minimization Plan and Residential Anti-displacement and Relocation Assistance Plan** was introduced by Council Member Asmus. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2021-016 Adopting a Section 3 Plan** was introduced by Council Member Nelsen. Council Member Ask seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2021-017 Prohibition of Excessive Force Policy** was introduced by Council Member Asmus. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2021-018 Adopting Program Income and Local Income Generated Policy for 2019 SDCP Funds** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 2021-019 Approving Certification for a Drug-Free Workplace** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 8, Noes 0.

Council Member Butterfield asked that the Council consider authorizing the Mayor and City Administrator voting rights on the Invest in Willmar Board.

Following a lengthy discussion, Council Member Butterfield offered a motion to authorize the Mayor and City Administrator voting rights on the Invest in Willmar Board. Council Member O'Brien seconded the motion.

Following further discussion, Council Member Plowman offered a friendly amendment to only authorize the Mayor voting rights on the Invest in Willmar Board. The motion then carried, on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin informed the Council he had received a request from Council Member O'Brien to add to future agendas the item of "Good things happening in our community", whereby Council members could inform the public of said items. Mayor Calvin asked that this item be placed on the next Council agenda.

The upcoming Committee meetings will be as follows: Public Works/Safety Committee – Wednesday, January 20th at 5:15 p.m.; Finance Committee – Thursday, January 21st at 5:00 p.m.; Community Development Committee – Monday, January 25th at 5:15 p.m.; and Labor Relations Committee – Tuesday, January 26th at 5:45 p.m.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member O'Brien seconding the motion which carried. The meeting adjourned at 9:18 p.m.

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

SECRETARY TO THE COUNCIL

**RESOLUTION NO. 2021-009**

**A RESOLUTION ORDERING THE 2021 STREET AND OTHER IMPROVEMENTS AND DIRECTING STAFF TO PREPARE FINAL PLANS AND SPECIFICATIONS.**

Motion By: Plowman

Second By: Asmus

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed and the same are hereby ordered made.
2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 2021 Street and Other Improvements.
3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.
4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 19th day of January, 2021

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-010**

**A RESOLUTION APPROVING FINAL PLANS AND SPECIFICATIONS AND AUTHORIZING PUBLICATION OF THE ADVERTISEMENT FOR BIDS FOR THE 2021 IMPROVEMENT PROJECTS.**

Motion By: Plowman

Second By: Ask

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 2101-A, 2101-B, 2103-A, and 2103-B for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Multiple bid packages will be publicly opened and read with the first opening scheduled for 1:00 p.m. on the 10th day of March, 2021.

Dated this 19th day of January, 2021

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-011**

**A RESOLUTION AWARDING THE ISSUANCE AND SALE OF \$4,495,000  
GENERAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2021A FIXING  
THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION  
AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

Motion By: Fagerlie

Second By: Nelsen

BE IT RESOLVED By the City Council of the City of Willmar, Minnesota (the "City"), as follows:

Section 1. Findings, Determinations; Sale of Bonds.

1.01 It is hereby determined that:

(a) pursuant to Minnesota Statutes, Chapter 475 (the "Bond Act") Minnesota Laws 2019, First Special Session, Chapter 6, Article 6, Section 32 (the "Special Law" and together with Chapter 475, the "Act"), and pursuant to a referendum question duly approved by the electorate of the City on November 6, 2018, the City has been authorized to impose certain sales and use taxes (collectively, the "Sales Taxes") and to issue its general obligation bonds for various purposes, as specified in the Special Law; and

(b) the Council and the City have complied with Minnesota Statutes, Section 645.021, Subdivision 3, in approving the Special Law;

(c) it is necessary and expedient to the sound financial management of the affairs of the City to issue General Obligation Sales Tax Revenue Bonds, Series 2021A (the "Bonds"), in an aggregate principal amount of \$4,495,000, to provide financing, including without limitation, for a portion of various improvements to Robbins Island Regional Park and Swansson Field Regional Park in the City as more specifically described in the Special Law (the "Project"); and

(d) the City is authorized by Minnesota Statutes, Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale. The actions of the City staff and the City's municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

1.02. Award to the Purchaser and Interest Rates. The proposal of Robert W. Baird & Co., Inc., Milwaukee, Wisconsin (the “Purchaser”) to purchase the Bonds of the City described in the Official Terms of Proposal thereof is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$4,900,244.26 (the par amount of \$4,495,000, plus a premium of \$442,580.85, less underwriter’s discount of \$37,336.59) , for Bonds bearing interest as follows:

Year	Interest Rate	Year	Interest Rate
2022	4.00%	2028	4.000%
2023	4.00	2029	4.000
2024	4.00	2030	1.000
2025	4.00	2031	1.125
2026	4.00	2032	1.250
2027	4.00	2033	1.250

1.03. Purchase Contract. Any amount paid by the Purchaser over the minimum purchase price shall be credited to the Debt Service Fund hereinafter created, or deposited in the Construction Fund hereinafter created, as determined by the City Finance Director upon consultation with the City’s municipal advisor. The Mayor and City Clerk are authorized to execute a contract with the Purchaser on behalf of the City, if requested by the Purchaser.

1.04. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act, in the total principal amount of \$4,495,000, originally dated as of the date of delivery, in fully registered form and issued in denominations of \$5,000 each or any integral multiple thereof, numbered No. R-1 and upward, bearing interest as above set forth, and maturing on February 1 in the years and amounts as follows:

Year	Amount	Year	Amount
2022	\$310,000	2028	\$385,000
2023	315,000	2029	400,000
2024	325,000	2030	415,000
2025	340,000	2031	420,000
2026	360,000	2032	425,000
2027	370,000	2033	430,000

1.05. Optional Redemption. The City may elect on February 1, 2029, and on any day thereafter to prepay Bonds due on or after February 1, 2030. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

## Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates: Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing February 1, 2022, to the

registered owners thereof of record as of the close of business on the 15th day of the immediately preceding month, whether or not that day is a business day.

2.03. Registration. The City will appoint, and will maintain, a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar will keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of the Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred, or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the 15th day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is at any time registered, as of the applicable record date, in the bond register as the absolute owner of such Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees, and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee, or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen, or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen, or lost, the Registrar will deliver a new Bond of like amount, number, maturity date, and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen, or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen, or lost, upon filing with the Registrar of evidence satisfactory to the Registrar that the Bond was destroyed, stolen, or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance, and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it will not be necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, written notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) 30 days prior to the date of redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints U.S. Bank National Association, St. Paul, Minnesota as the initial Registrar. The Mayor and the City Clerk are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Finance Director must transmit to the Registrar moneys sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication, and Delivery. The Bonds will be prepared under the direction of the City Finance Director and executed on behalf of the City by the signatures of the Mayor and the City Clerk, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of any Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on a Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Clerk will deliver the same to the Purchaser thereof upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser will not be obligated to see to the application of the purchase price.

2.06. Form of Bond. The Bonds will be printed or typewritten in substantially the form set forth in **Exhibit B** attached hereto.

2.07. Approving Legal Opinion. The City Clerk is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which will be complete except as to dating thereof and to cause the opinion to be printed or accompany each Bond.

### Section 3. Payment; Security; Funds; Pledges and Covenants.

3.01. Debt Service Fund. For the convenience and proper administration of the moneys to be borrowed and repaid on the Bonds, and to provide adequate and specific security for the Purchaser and holders from time to time of the Bonds, there is hereby created a special fund to be designated the General Obligation Sales Tax Revenue Bonds, Series 2021A Debt Service Fund (the "Debt Service Fund"). The Debt Service Fund shall be administered and maintained by the City Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Debt Service Fund will be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There will be deposited in the Debt Service Fund from time to time sufficient amounts of revenues generated by the Sales Tax to pay principal of



and interest on the Bonds when due, and the City Finance Director must report any current or anticipated deficiency in the Debt Service Fund to the City Council. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from the general fund of the City, and the general fund will be reimbursed for the advances out of the revenues generated by the Sales Tax and other taxes when collected. There is appropriated to the Debt Service Fund (i) any amount over the minimum purchase price of the Bonds paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03; (ii) the accrued interest paid by the Purchaser upon closing and delivery of the Bonds, if any; (iii) all investment earnings on amounts in the Debt Service Fund; and (iv) any other funds appropriated for the payment of principal or interest on the Bonds.

3.02. Construction Fund. The proceeds of the Bonds, less the appropriations made in Section 3.01, together with any other funds appropriated for the Project, will be deposited in a separate fund of the City (the "Construction Fund"), hereby created. Amounts in the Construction Fund will be disbursed to (i) pay costs of the Project and costs of issuance of the Bonds; and (ii) finance capitalized interest on the Bonds during or after construction of the Project. Any balance remaining in the Construction Fund after completion of the Project may be used as provided in Minnesota Statutes, section 475.65, under the direction of the City Council and in accordance with the Special Law. Thereafter, the Construction Fund is to be closed and any balance remaining therein is to be deposited in the Debt Service Fund.

3.03. Debt Service Coverage. Pursuant to Subdivision 1 of the Special Law, the City has imposed the Sales Tax. The revenues received from the Sales Tax are hereby pledged to the payment of the principal of and interest on the Bonds. It is determined that the estimated revenues of the Sales Tax authorized by the Special Law for the payment of principal and interest on the Bonds will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds and that no tax levy is needed at this time.

3.04. General Obligation. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are irrevocably pledged. If the Sales Tax appropriated and pledged to the payment of principal and interest on the Bonds, together with other funds irrevocably appropriated to the Debt Service Account herein established, shall at any time be insufficient to pay such principal and interest when due, the City covenants and agrees to levy, without limitation as to rate or amount an ad valorem tax upon all taxable property in the City sufficient to pay such principal and interest as it becomes due. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds payable therefrom, the deficiency shall be promptly paid out of any other accounts of the City which are available for such purpose, and such other funds may be reimbursed without interest from the Debt Service Account when a sufficient balance is available therein

3.05. Registration of Resolution. The City Clerk is authorized and directed to file a certified copy of this resolution with the County Auditor/Treasurer of Kandiyohi County, Minnesota, and to obtain the certificate required by Section 475.63 of the Act.

#### Section 4. Authentication of Transcript.

4.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits, and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

4.02. Certification as to Official Statement. The Mayor, City Clerk and Finance Director of the City are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official

Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

4.03. Other Certificates. The Mayor, City Finance Director and City Clerk are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor and the City Clerk shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the City Clerk shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

4.04 Electronic Signatures. The electronic signature of the Mayor, City Finance Director and/or the City Clerk to this resolution and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or Adobe or a similarly digitally auditable signature gathering process; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

## Section 5. Tax Covenants.

5.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds. To that end, the City will comply with all requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments and limitations on amounts invested at a yield greater than the yield on the Bonds.

5.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bond under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States.

5.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

5.04 No Designation of Qualified Tax-Exempt Obligations. The Bonds have not been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

5.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

## Section 6. Book-Entry System; Limited Obligation of City.

6.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.03 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as

provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

6.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar, and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds; (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar, and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Finance Director of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co.," will refer to such new nominee of DTC; and upon receipt of such a notice, the City Clerk will promptly deliver a copy of the same to the Registrar and Paying Agent.

6.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

6.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

6.05. Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

## Section 7. Continuing Disclosure.

7.01. Execution of Continuing Disclosure Certificate. For purposes of this Section 7, "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Clerk and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

7.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 8. Defeasance. When the Bonds and all accrued interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge the Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full or by depositing irrevocably in escrow, with a suitable institution qualified by law as an escrow agent for this purpose, cash or securities which are backed by the full faith and credit of the United States of America, or any other security authorized under Minnesota law for such purpose, bearing interest payable at such times and at such rates and maturing on such dates and in such amounts as shall be required and sufficient, subject to sale and/or reinvestment in like securities, to pay said obligation(s), which may include any interest payment on such Bond and/or principal amount due thereon at a stated maturity (or if irrevocable provision shall have been made for permitted prior redemption of such principal amount, at such earlier redemption date). If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

Passed and adopted this 19th day of January, 2021.

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

#### **RESOLUTION NO. 2021-012**

#### **ESTABLISH MEETING DATE AND TIME FOR LABOR RELATIONS COMMITTEE**

Motion By: Davis Second By: Butterfield

WHEREAS, the Willmar City Council adopted Resolution 19-034 on February 19, 2019 reinstating City Council subcommittees and establishing the meeting dates and time; and

WHEREAS, the current members of the Labor Relations Committee have decided to change their meeting date.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the regular meeting dates and time for the Labor Relations Committee are the second and fourth Tuesdays of each month starting at 5:45 p.m.

Dated this 19th day of January, 2021.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-013**

**RESOLUTION APPROVING THE AMENDMENT OF THE AGREEMENT WITH BOLTON AND MENK FOR THE ROBBINS ISLAND IMPROVEMENTS TO INCLUDE CONSTRUCTION OF PARK SHELTERS AND LIGHTING IMPROVEMENTS AND TO ADVERTISE FOR BIDS FOR THE PROJECT.**

Motion By: Asmus

Second By: Davis

BE IT RESOLVED by the City Council of the City of Willmar to approve the amendment of the agreement with Bolton and Menk for the Robbins Island improvements to include the construction of park shelters and lighting improvements.

Dated this 19th day of January, 2021

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-014**

**ADOPTING FAIR HOUSING PLAN**

Motion By: Nelsen

Second By: Asmus

**WHEREAS**, the City of Willmar is participating in the 2019 Minnesota Small Cities Development Program and through this participation, residential rehabilitation and streetscape improvements will occur; and

**WHEREAS**, the Minnesota Department of Employment and Economic Development requires communities participating in the Small Cities Development Program to undertake efforts to promote fair housing.

**NOW, THEREFORE BE IT RESOLVED** that the City acting through the Kandiyohi County Housing and Redevelopment Authority hereby agrees to abide by and promote all Fair Housing Regulations pertaining to the Small Cities Development Program during the years the grant is open and to report on activities undertaken to further Fair Housing;

**BE IT FURTHER RESOLVED** that the City of Willmar, Minnesota, hereby adopts the Fair Housing Plan attached hereto this 19th day of January, 2021.

s/s Marv Calvin  
MAYOR

ATTEST:

s/s Judy Thompson  
CITY CLERK

City of Willmar Fair Housing Plan  
2019 Small Cities Development Program

The City of Willmar, Minnesota (hereinafter referred to as City) and the Kandiyohi County Housing and Redevelopment Authority (hereinafter referred to as HRA), acting on behalf of the City of Willmar, understand their obligations to further fair housing practices under the Housing and Community Development Act and other legislation and implementing regulations. Fair Housing is generally thought of as a condition in which individuals of similar levels in the same housing market area have a like range of housing choices available to them, regardless of race, color, national origin, religion, sex, familial status or disability.

The City and/or HRA will undertake the following steps to further fair housing:

- The City and HRA will place fair housing posters at the City Offices located at 333 6<sup>th</sup> Street SW, Willmar, Minnesota, and at the HRA Offices located at 2200 23<sup>rd</sup> Street NE, Suite 2090, Willmar, Minnesota and at gathering places within the City where the public may congregate and which provide a bulletin board for postings. The City and HRA will also maintain such postings throughout the year.
- The City and HRA will have the HUD "Fair Housing It's Your Right" brochure available at the City Offices and at the HRA Offices.
- Present Fair Housing information at a future council meeting.
- The HRA will continue to incorporate the fair housing logo on HRA letterhead, rehabilitation application/outreach forms and other documents.

**RESOLUTION NO. 2021-015**

**ADOPTING DISPLACEMENT MINIMIZATION PLAN AND  
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

Motion By: Asmus

Second By: Fagerlie

**WHEREAS**, the City of Willmar is participating in the Minnesota Department of Employment and Economic Development's 2019 Small Cities Development Program and through this participation, rental rehabilitation will occur; and

**WHEREAS**, the consequence of the proposed activities is potential for displacement; and

**WHEREAS**, the purpose of the Displacement Minimization Plan and the Residential Anti-displacement Plan is to describe the steps the City shall take to mitigate the adverse effects of displacement on low- and moderate-income persons;

**NOW, THEREFORE BE IT RESOLVED** that the City of Willmar, Minnesota, hereby adopts the Displacement Minimization Plan and the Residential Anti-displacement and Relocation Assistance Plan as attached hereto this 19th day of January, 2021.

s/s Marv Calvin  
MAYOR

ATTEST:

s/s Judy Thompson  
CITY CLERK

City of Willmar Residential Anti-displacement and Relocation Assistance Plan

2019 Small Cities Development Program

The City of Willmar is participating in the Minnesota Small Cities Development Program. The Rental Rehabilitation Activities proposed in the project description are not expected to cause displacement; however, the City has adopted this plan should displacement occur. The purpose of this plan is to mitigate the adverse effects of displacement on commercial tenants and low and moderate income persons.

The City's plan is described as follows:

**Minimize Displacement/Temporary Displacement** – Temporary displacement occurs when people move out of their dwelling, business or property for a short period of time due to activities of the Small Cities Development Program. Temporary displacement most frequently occurs with housing and commercial rehabilitation projects. Actions that may be taken to minimize displacement include:

1. Rehabilitation activities will be performed in a manner which will minimize residential tenants inconvenience.
2. Utility shut-offs, if necessary, will be planned for times most convenient to residents.
3. Licensed lead contractors shall counsel occupants if any improvements involve lead paint surfaces (window replacement, for example) and are responsible to conduct the work according to lead-safe work practices. If it is determined that it is in the best interests of the occupants to temporarily vacate the premises, the occupants will be counseled with regard to vacating the unit temporarily (e.g. by staying with friends or family).
4. Providing information and referral on community services to individuals who must temporarily leave their homes or businesses.
5. Informing landlords to pay tenant out of pocket expenses for the period of time in which a unit is not habitable.

6. Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first so they can be rehabilitated first.

7. Establish temporary relocation facilities, if necessary, in order to house families whose displacement will be of short duration.

8. The property owner will be responsible for providing storage space for their belongings during the rehabilitation work, if necessary.

**Relocation Assistance/Permanent Displacement:** Any person permanently and involuntarily displaced will be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The term displaced person means any person (family, individual, business, non-profit organization, or farm) that moves from real property or moves personal property as a direct result of rehabilitation, demolition, or acquisition for a Small Cities Development Program project. Actions to be taken include:

1. Informing tenants that they may be entitled to relocation payments and other assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

2. Informing tenants that they may be entitled to additional payments above the URA payment in compliance with requirements of section 104(d) of the Housing and Community Development Act of 1974, as amended. If rehabilitation activities raise the market rent (including utility costs) above the applicable fair market rent established by HUD's Section 8 existing housing program (or the local payment standard for the Section 8 program), then the unit must be replaced and low or moderate income tenants are entitled to additional payments in compliance with section 104(d).

3. Relocation assistance will be provided for lower-income tenants who, in connection with an activity assisted under the Community Development Block Grant, move permanently or move personal property from real property as a direct result of the demolition of any dwelling unit or the conversion of a lower-income dwelling unit in accordance with the requirements of 24 CFR 42.350. A displaced person who is not a lower-income tenant, will be provided relocation assistance in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24.

4. The City of Willmar will replace all occupied and vacant lower-income dwelling units demolished or converted to a use other than lower-income housing in connection with a project assisted with funds provided under the Community Development Block Grant in accordance with 24 CFR 42.375. Before entering into a contract committing the City of Willmar to provide funds for a project that will directly result in demolition or conversion of lower-income dwelling units, the City of Willmar will make public by public notice in the West Central Tribune and submit to HUD and the Minnesota Department of Employment and Economic Development the following information in writing:

- A. A description of the proposed assisted project;
- B. The address, number of bedrooms, and location on a map of lower-income dwelling units that will be demolished or converted to a use other than as lower-income dwelling units as a result of an assisted project;
- C. A time schedule for the commencement and completion of the demolition or conversion.



**RESOLUTION NO. 2021-016**

**ADOPTING A SECTION 3 PLAN**

Motion By: Nelsen

Second By: Ask

**WHEREAS**, The City of Willmar is a recipient of the HUD Community Development Block Grant Program (2019 Small Cities Development Program); and

**WHEREAS**, the Department of Housing and Urban Development requires its grantees to have a plan in place to direct employment and other opportunities created by the financial assistance received by the City towards low and very low income persons with incomes less than 80% of area median income particularly those who are recipients of government assistance for housing;

**NOW, THEREFORE BE IT RESOLVED** that the City of Willmar, Minnesota, hereby adopts the Section 3 Plan for the City as attached hereto on this 19th day of January, 2021.

s/s Marv Calvin

MAYOR

ATTEST:

s/s Judy Thompson

CITY CLERK

City of Willmar Section 3 Plan

2019 Small Cities Development Program

The City of Willmar, Minnesota, in conjunction with the Small Cities Development Program, has the following plan to direct employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

Section 3 is a HUD requirement that is intended to ensure that when employment or contracting opportunities are available on HUD funded projects, preference is given to low- and very low-income persons or businesses. Being a Section 3 Business is not required, however, preference is given to those businesses.

The City of Willmar will attempt to recruit low-income residents through at least one of the following: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within the City of Willmar in which the Section 3 covered program or project is located, or participate in the one of the HUD program or other program which promotes the training or employment of Section 3 residents, or will participate in a HUD program or other program which promotes the award of contracts to businesses which meet the definition of Section 3.

The City of Willmar will require all contractors to complete and submit the Section 3 Business Certification Form prior to awarding contracts. The City of Willmar will keep a list of Section 3 businesses. While being a

Section 3 business is not required for the program, the City of Willmar will give preference to qualified, competitive Section 3 businesses.

### Section 3 Business Certification Form

Section 3 is a HUD requirement that is intended to ensure that when employment or contracting opportunities are available on HUD funded projects, preference is given to persons or businesses earning less than 80% of area median income (AMI) as provided by local administrator. Being a Section 3 Business is NOT required, however preference is given to those businesses.

Name of Business \_\_\_\_\_ Owner(s) of Business \_\_\_\_\_  
Type of Business \_\_\_\_\_ Address of Business \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_ Zip Code \_\_\_\_\_ Telephone \_\_\_\_\_

Please answer the following questions:

1. Is your business owned by a person(s) with an annual income below 80% of area median income(AMI)? (local administrators should attach income chart) Note: If there is more than one owner, at least 51% ownership must be by a person(s) below that income level.  
☐ Yes Go to Question 2.  
☐ No Go to Question 3.
2. What is the 80% AMI or less income owners(s) name(s)? \_\_\_\_\_. Skip questions 4&5, provide signature, and answer additional required questions.
3. Are 30% of full-time employees earning below 80% area median income?  
☐ Yes Skip Question 4 and provide signature and answer additional required questions.  
☐ No Go to Question 4.
4. Can you provide documented evidence that if your business does sub-contracting, that more than 25% of the dollar value of all contracts will go to those businesses that are at or below 80% of the area median income?  
☐ Yes Sign and date this form and answer additional required questions.  
☐ No Sign and date form.

If you answered no to all these questions, you are not a Section 3 Business. You do not have to be a Section 3 Business in order to work on HUD projects.

Business Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

**If you certify that you are a Section 3 Business, complete the following questions**

1. Number of New Hires \_\_\_\_\_
2. Percentage of New Hires with income below 80% of area median income \_\_\_\_\_
3. Percentage of New Hire hours completed by persons earning income below 80% of area median income \_\_\_\_\_
4. Percentage of total staff hours completed by Section 3 Employees and Trainees \_\_\_\_\_
5. Number of Section 3 Trainees \_\_\_\_\_
6. In any, what trades do the Section 3 new hires/employees work? Examples: Professionals, technicians, office/clerical, construction. If construction, please indicate specific trade(s).\_\_\_\_\_

*It is a crime to knowingly make false statements to the United States on this or any similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.*

**RESOLUTION NO. 2021-017**

**PROHIBITION OF EXCESSIVE FORCE POLICY**

Motion By: Asmus

Second By: Nelsen

**WHEREAS**, Section 906 of the National Affordable Housing Act of 1990 amended Title I of the Housing and Community Development Act of 1974 by adding a new certification entitled *Protection of Individuals Engaging in Non-Violent Civil Rights Demonstrations* and;

**WHEREAS**, the language imposed by the 1990 Appropriations Act was retained and additional language was added requiring units of government receiving Community Development Block Grant funds (also known as the Small Cities Development Program in Greater Minnesota) to adopt and implement a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within jurisdictions;

**NOW, THEREFORE BE IT RESOLVED** that the City of Willmar, Minnesota, prohibits the use of excessive force by law enforcement agencies within its jurisdiction against individuals engaged in nonviolent civil rights demonstrations;

**BE IT FURTHER RESOLVED** that the City of Willmar, Minnesota will enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction.

Adopted this 19th day of January, 2021.

s/s Mary Calvin  
MAYOR

ATTEST:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-018**

**ADOPTING PROGRAM INCOME AND LOCAL INCOME GENERATED POLICY  
FOR 2019 SCDP FUNDS**

Motion By: Nelsen

Second By: Asmus

**WHEREAS**, the City of Willmar is participating in the Minnesota Department of Employment and Economic Development's 2019 Small Cities Development Program for rental rehabilitation and streetscape activities;

**WHEREAS**, recipients of the Small Cities Development Program (SCDP) are required to adopt a Program Income and Local Income Generated Policy which explains the definition and administration of future Program Income and Local Income generated from the Small Cities Development Program,

**NOW, THEREFORE BE IT RESOLVED** that the City of Willmar establishes the attached Program Income and Local Income Generated Policy for 2019 SCDP Funds as a condition of receiving federal Community Development Block Grant funds through the 2019 Small Cities Development Program this 19th day of January, 2021.

s/s Mary Calvin  
MAYOR

ATTEST:

s/s Judy Thompson  
CITY CLERK

City of Willmar Program Income and Local Income Generated Policy

2019 Small Cities Development Program

**Definitions:**

**Program Income** is defined as income of \$35,000 or more generated by SCDP and federal Minnesota Investment Fund (MIF) funded activities in a federal fiscal year (October 1-September 30).

**Local Income** is defined as income less than \$35,000 generated in a fiscal year.

Both Program Income and Local Income generated have restricted reuse and must be reused in a manner consistent with what was stated in the funding application, grant agreement, and the City's required Program Income and Local Income Generated Policy. Program Income and Local Income can be generated in the following ways:

- loan repayments (with interest, if applicable),
- proceeds from the sale of property purchased with SCDP funds,
- interest earned on the Program Income itself, and/or
- fines assessed on SCDP funded contracts.

**Establishing & Managing Revolving Funds:** A revolving fund is a separate fund with an independent set of accounts used only to track Program Income and Local Income generated funds. The HRA will separately account for Program Income and Local Income generated from SCDP grants awarded in different years. The revolving funds cannot be capitalized directly with grant funds.

**Reuse of Program Income and Local Income Generated:** Revolving funds will be used for activities eligible under the Small Cities Development Program. All Program Income reuse must follow SCDP program requirements (federal objective, environmental, labor standards, etc.). Local Income reuse does not have to follow SCDP program requirements (federal objective, environmental, labor standards, etc.). Program income and local income generated from previous grants will be used prior to awarded grant funds. Program Income and Local Income generated will be listed as leverage on future SCDP applications and is expected to be

drawn prior to drawing awarded funds. Future SCDP Preliminary Proposal or Full Application preparation is not an eligible use of program income.

**Reporting:** On behalf of the City of Willmar, the Kandiyohi County HRA will complete online Post-Closeout Program Income Reporting annually (by October 15). The purpose of this is to report Program Income received, expended, and the ending balance. If the City of Willmar has multiple activities and/or past grants generating funds, they should be combined for reporting purposes. The City does *not* have to combine funds generated through SCDP grants and Minnesota Investment Fund (MIF) revolving loan fund grant repayments and interest.

These annual reports are required as long as there is a balance of Program Income or there are outstanding loans/liens payable to the HRA (from the original grant or Program Income). If Program Income funds are revolving, Program Income reporting requirements will continue. However, if income received in any year is less than \$35,000, then those collected funds are no longer Program Income and do not need to be reported (but still have the restrictions for reuse). The HRA will complete the annual on-line reporting even if no funds were collected or expended.

If the HRA collects \$0-\$34,999 in a reporting year, the HRA should report \$0 for on-line Post Closeout Program Income Reporting. These funds are not Program Income; they are local funds generated (and still have reuse restrictions).

If Program Income is expended, the **Post-Closeout Program Income Expenditure Report** will be completed by the HRA and sent to DEED (by October 15). This report is to collect specifics of the eligible activities the Program Income was expended on. This report will include similar information to what is included on annual reports (demographics, income levels, leveraged funds, etc). The Post-Closeout Expenditure Report does NOT need to be completed if funds were expended on an open SCDP grant. Those accomplishments will be reported on that grant's Annual/Final Report.

DEED may request information and review files for Program Income and Local Income generated to insure its reuse complies with the grantee's application, funding agreement, and Program Income and Local Income Generated Policy.

#### **RESOLUTION NO. 2021-019**

#### **APPROVING CERTIFICATION FOR A DRUG-FREE WORKPLACE**

Motion By: Nelsen

Second By: Fagerlie

**WHEREAS**, the City of Willmar is participating in the Minnesota Department of Employment and Economic Development's 2019 Small Cities Development Program and through this participation, residential rehabilitation and streetscape improvements will occur; and

**WHEREAS**, a condition of receiving federal funding from the Minnesota Department of Employment and Economic Development requires communities participating in the Small Cities Development Program to undertake efforts to provide a Drug-Free Workplace; and

**WHEREAS**, the City agrees to provide a Drug-Free Workplace;

**NOW, THEREFORE BE IT RESOLVED** that the City of Willmar, Minnesota, hereby approves the Certification for a Drug-Free Workplace attached hereto this 19th day of January, 2021.

s/s Marv Calvin  
MAYOR

ATTEST:

s/s Judy Thompson  
CITY CLERK

# Certification for a Drug-Free Workplace

U.S. Department of Housing  
and Urban Development

Applicant Name  
City of Willmar

Program/Activity Receiving Federal Grant Funding

HUD Community Development Block Grant Funds - MN DEED Small Cities Development Program

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

**2. Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

1. Multi-family Rental Rehab at 300 7th Street NW, Willmar, MN 56201

2. Streetscape improvements in the target area bounded by Pacific Avenue on the north, First Street to the east, Trott Avenue to the south and Seventh Street to the west and includes property on both sides of all boundary streets.

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Marv Calvin

Title

Mayor

Signature

Date

X 1/19/2021

